

Remarks/Comments

The Applicant has amended claims 1, 9, 15 and all remaining claims by virtue of dependency to recite that the step of “generating said data in a common format” is by parsing said information sources with a universal parsing agent that utilizes said one or more templates.” Support for this amendment is found in Figure 3, and the written description of Figure 3 at pages 14-15. No new matter is added thereby. Claim 15 has further been amended to change the term “generating” to “converting” such that the claim now reads: converting said data into said common format by parsing said information sources with a universal parsing agent that utilizes said one or more templates.” Support for this amendment is again found in Figure 3, and the written description of Figure 3 at pages 14-15. No new matter is added thereby. Claims 15-22 and 31 have been amended to recite that the computer readable medium is encoded with a computer program having computer-executable instructions. Support for this amendment is found at page 13, lines 1-8. No new matter is added thereby.

35 USC 101

The examiner has rejected claims 15-22 and 31 under 35 USC 101, and has alleged that the claimed invention is directed to non-statutory subject matter. The applicant has amended the claims to recite that the computer readable medium is encoded with a computer program having computer-executable instructions, thereby placing the medium squarely in the definition of “statutory subject matter” as recited in the law and the MPEP.

As set forth at MPEP 2106.01, “When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.”

MPEP 2106.01 (I) further states:

computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035. Accordingly, it is important to distinguish claims that define descriptive material *per se* from claims that define statutory inventions. (emphasis added).

Accordingly, it is plain that claim 15 meets the Lowry standard for statutory subject matter, because claim 15 claims a "computer-readable medium encoded with a computer program" (A computer readable medium encoded with a computer program having computer-executable instructions) and because claim 15 "defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized." (a method for extracting and converting data from one or more information sources into a common format). Claims 16-22 and 31 also meet the Lowry standard, as they have all been amended to recite the same limitation the computer readable medium encoded with a computer program having computer-executable instructions.

The examiner also remarked that the claim failed to recite that the data was "converted or transformed." The Applicant has amended claim 15, and claims 16-22 and 31 by virtue of dependency, to recite the step of "converting" the data.

Accordingly, the applicant respectfully requests that the examiner withdraw her rejection of claims 15-22 and 31 as being non-statutory subject matter.

35 USC 112

The examiner has rejected claims 1-22 and 29-31 under 35 USC 112, second paragraph, and has asserted that the claims are incomplete for omitting an essential elements. Specifically, the examiner has asserted that the claims in question omit the universal parsing agent. Claims 1, 9, 15 and all remaining claims by virtue of dependency to recite that the step of “generating said data in a common format” is by parsing said information sources with a universal parsing agent that utilizes said one or more templates.”

Accordingly, the applicant has addressed the examiner’s rejection, and has met the requirement of both 35 USC 112, first paragraph and 35 USC 112, second paragraph because the universal parsing agent is now recited in all claims. The applicant respectfully requests that the examiner withdraw her rejection of claims 1-22 and 29-31 under 35 USC 112, second paragraph.

35 USC 102

The examiner has rejected claims 1-7, 9-13, 15-21, and 29-31 under 35 USC 102(b) as being anticipated by Webber, US Patent No. 5,909,570. In the section of the office action setting forth the examiner’s “response to arguments”, the examiner recites that “the features upon which the applicant relies (ie. “translating multiple data sets that include data sets that are not pre-defined or recognized by the system into a common format” and “generate a template mapping system” are not recited in the rejected claims. The applicant was not then, and is not now, relying on those features to distinguish the pending claims over Webber. Rather, the applicant would direct the examiner’s attention to the limitation of “receiving at least one

pattern descriptor selected from a graphical user interface,” which is required by claims 1, 9, 15, and all remaining claims by virtue of dependency.

The examiner recites that the language “field descriptions 400” at col. 7, lines 9-38 of Webber discloses the step of “receiving at least one pattern descriptor selected from a graphical user interface.” This is factually incorrect. The “field descriptions” described by Webber are not input using a graphical user interface. As stated by Webber,

“The table field layout is for a manifest history and manifest summary dataset”

and

The table definition 150 comprises three components: 1) comments and notes 200 (optional); 2) a table description 300; and 3) field descriptions 400 which provide details of fields within that table. The table definition 150 can be repeated for as many tables as required...

The field descriptions 400 include the field identifier (column 1), the field names (column 2), size (column 3), data format (column 4), and justification parameters (column 5) which may be needed by the mapping process to determine the physical format of the table.

Accordingly, the limitation of “receiving at least one pattern descriptor selected from a graphical user interface,” which is required by claims 1, 9, 15, and all remaining claims by virtue of dependency is simply not present in the Webber disclosure. Since it is axiomatic that a proper rejection under 35 U.S.C. 102(e) must contain each and every limitation of the claim, (“[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration” W.L. Gore & Assocs. V. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983), the Webber reference cannot support a prima facie showing of

obviousness under 35 USC 102(b). Accordingly, the applicant respectfully requests that the examiner remove her rejection of claims 1-7, 9-13, 15-21, and 29-31 as being anticipated by Webber, US Patent No. 5,909,570 under 35 USC 102(b).

35 USC 103

The examiner has rejected claims 8, 14 and 22 under 35 USC 103(a) as being obvious over Webber, US Patent No. 5,909,570 in view of Lennon, US Patent No. 7,287,018. In the section of the office action setting forth the examiner's "response to arguments", the examiner fails to address the applicant's prior arguments entirely.

The applicant would thus note again that Lennon simply does not provide the teaching of "receiving at least one pattern descriptor selected from a graphical user interface," that is missing also from Webber. Further, the Lennon reference describes a method for browsing electronically-accessible resources using descriptions of the resources, wherein the descriptions of the resources have descriptor components. As such, the Lennon reference has absolutely nothing whatsoever to do with extracting and converting data from one or more information sources into a common format, and the data for which Lennon teaches that the representation values for many descriptors can be complex datatypes that can be represented in a hierarchical fashion has nothing whatsoever to do with storing said data in a common format in a storage bin, as required by the limitations of claims 8, 14 and 22.

Accordingly, the Webber and Lennon references cannot possibly form a prima facie case of obviousness, because the Webber and Lennon references do not teach all the claimed elements of claims 8, 14 and 22. The applicant therefore respectfully requests that the examiner remove her rejection of claims 8, 14 and 22 under 35 USC 103(a) as being obvious over Webber, US Patent No. 5,909,570 in view of Lennon, US Patent No. 7,287,018.

Appl. No. 10/714,541

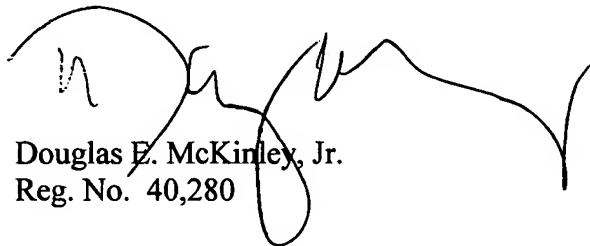
Preliminary Amendment filed with RCE in response to Office Action of 11/24/2008

Filed April 24, 2009

Conclusion

The applicant has made a good faith attempt to place the application and claims in condition for allowance, and action towards that end is hereby requested. The examiner is invited to contact the undersigned should the examiner have any questions or comments.

Respectfully submitted,



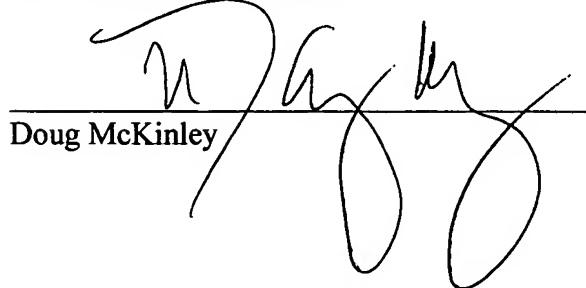
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The undersigned hereby certifies that the forgoing preliminary amendment, together with a request for continuing examination, and a fee sheet for the applicable fees and return postcard are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
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on the date set forth below.


Doug McKinley

4/24/2009
Date